(2)

No.: 06-640

FILED
FEB 16 2007
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

GEORGE W. CANNADY

Petitioner

v.

JACKSON HOSPITAL, " et al

Respondent's

Petition For Rehearing Writ Of Certiorari
The United States Supreme Court Of Appeal
For The Fourteenth Judicial Circuit

REHEARING ON PETITION FOR

WRIT OF CERTIORARI

GEORGE W. CANNADY
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Greenwood FL 32443
Counsel of Record
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Pro-se for Petitioner.
George W. Cannady

QUESTION(S) PRESENTED

Florida Law 768.13 (2) (b)1 Governs Federal Statute 42 U.S. C. 1359dd and State s. 395.1041 s. 401.45.

1. Does the United States Supreme Court have the power to Review a State Statute that Governs the Federal Law in the State of FL.? 42 U.S.C. 1395dd, and State s. 395.1041, is copied from Fed. Law and is it considered the same Law ?

2. When a Judge disclose issues of conflict to a party of a case and a party agrees to let the Judge hear the case if the Judge can make a fair ruling? Can he be removed after the hearing for not doing a fair hearing?

3. Can a office employee put liability on a Dr. if she pretends to be a intern at the hosp. and injures a patient of his?

4. Does a Judge have a right to stay on a case after a party Filed a Motion Seeking a Recuse by F.S. 38.01 See - Mc Mullen v. State, 93 Fla. 693, 112 S0. 462 (1927? No Judges order of denying the Recuse Motion Filed May 21 / 2003 After Hearing May 20/ 2003

5. Does the United States Constitution Article III Vested the Power of one Supreme Court for Original Jurisdiction?

6. Does the United States Constitution Article III Section 2 (3) Grant rights to trial by jury for crime?

LIST OF PARTIES TO THE PROCEEDING

All parties do not appear in the caption of the Case on the cover page. A list of all parties to the proceeding in the Court whose judgment is the subject of this petition is as follows:

Petitioner George W. Cannady Pro-se
4785 Hwy N.
Greenwood Fla. 32443

v.

Jackson Hospital. Att. Heidi J. Livingston and Keith Kress Hill, Adams, Hall, & Schieffelin, P.A.
P.O. Box 1090 Winter Park, FL. 32790- 1090

Karl Sinclair Franz M.D. Att. Britt Thomas Law Off, George, Hartz, Lundeen ,Fulmer, Johnstone, & Stevens
P.O. Box 14500 Tallahassee FL. 32317-4500

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I THE PETITIONER HAS BEEN DISCREMINATION AGAINST BY THE COURT OF FLORIDA.

The Fla. Supreme Court Concluded that the Court didn't have jurisdiction over a district Court Unelaborated pre Curiam decision. The Court had jurisdiction over Case No.: SC01-1862 and Case No.: SC03-284, Both was unelaborated Pre Curiam Appeal.---------- 2 7

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PETITION FOR REHEARING ON WRIT OF CERTIORARI

George W. Cannady respectfully Petitions for a Rehearing On Writ of Certiorari to review Order of Jan. 8, 2007

OPINIONS BELOW

The Supreme Court of the United States denied the Petition For a Writ of Certiorari. This Court granted a Application No. 06A727 Jan. 24 , 2007 for a extension to March 4, 2007 for Rehearing Petition to be filed.

JURISDICTION

The United States Supreme Court Denied the Petition for Writ of Certiorari Jan. 8, 2007. The Constitution of U. States Article III Section 2 No (2) Original Jurisdiction, and No (3) Grant Jury Trial, The Constitution of the United States Vested the Supreme Court with Judicial Power to review this case. The Federal Civil Rights Act. of 1871 (42 U.S.C.A. 1983) Grants a Civ. Cause of Action for Deprivation of Rights by States Action. & For Review 28 U.S.C 1251 (a) (2) 28 U.S.C. 1254 (1) Fla. s. 38.01

STATUTORY PROVISIONS INVOLVED

Relevant provisions The U.S. Constitution Article III Title 42 Chapter 7 Subchapter XVII. Part D. 1395 dd Examination and treatment for emergency medical Conditions F.S. 395.1041 & 401.45 (1) (b) F.S. 768.13. (2) (b) 1 F.S. 766.103 (2) F.S. 38.01

FACT OF THE CASE

This case has a demand for jury trial on all issues. The United States Constitution Article III secured this right to all. Article III secured one Supreme Court with power to review cases. The United States Supreme Court Granted a Application extension of time to file the Rehearing Petition on this case. This Court has power to review the discrimination of the Florida Supreme court under Article III the United States Constitution. The Respondent error in not providing Medical care in need at the E.R. or the Doctors Office. The Respondents Motion to Dismiss was filled with allegations of pretences of their rights. Chapter 766.103 (2) shows the Respondent Pretence was false. Judge Wright breached his duties as a Judge to making a fair ruling on this case. Judge (Wright) disclosed on the record that Dr. Franz did Surgery on him and was his Dr. for a time, But Franz referred the Judge to another Dr.. Judge Wright said he hasn't seen him as a Dr. for 3 or 4 years. The Judge fell to disclose that Dr. Franz was a friend of his. The Judge also disclosed that his wife was a pink Lady at the hospital who volunteers 2 mornings a month at the hospital. Judge Wright Recused him self Case No.: 00- 41CA in 6 / 6/ 00 as a conflict of interest, (Defendant J. Hosp.) The Petitioner trusted Judges words of making a fair ruling on this case. The Judge Stated on record,

The Court: **Let me make sure I've got you straight. Essentially**, your client and you have no **evidence** that you ever received the **Necessary notice** of **intent**. The Court: And there's noting in the file to indicate that **he sent** it, and it got sent to the **wrong place** or anything else? **There's just nothing there**. The Petitioner would like to examine the statement of the Judge made May 20,2003 at the hearing, Before hearing all the evidence of this case page 6 line 6-9 (The Court) State necessary notice of intent. The Petitioner would like to give the definition of necessary, it means unable to do without, (mandatory or unavoidable). Petitioner filed a Motion for Disqualifying of interest, In the Motion, No. 2 States The Plaintiff seeking Recuse by Fla. Statute 39.01 Who appears of record as a party to any cause before him be disqualified to act. The Petitioner would State this is the most lawless justice of all in this case. The Judge, said he could make a fair ruling on this case & Then before hearing all the evidence the Judge made a feint, This show the judge had a conflict of interest in this case. This isn't Justice for the Petitioner in this case. Did the Judge know the law of Fla. that Dr. & Hospital could be sue for dumping people at E.R. & Dr. Offs.. The Judge said he knew the Law. On page 7 of the hearing, The Judge stop me and said I know you're representing yourself, and you're doing a pretty good job

This is just a hearing on the law. The Motion for Rehearing show the law 395.1041 that was copy from 42 U.S.C. 1395dd is law. Going back to the IV injury of March 5, 2001, the Dr. wasn't doing test on my hand. The employee was practicing medicine with a I V needle. I was in the hosp. for a upper G.I. Test for Ulcers. The Hearing May 20 ,2003 record page 11 line 5- 6 Well, My Complaint actually don't stipulate Mal-practice, In other word. (The Court: I understand). What did the court understand ? The Petitioner would State that there is only one phrase in the Complaint that could be interpreted as a Malpractice case. This is No. 6 of the Complaint where Dr. Franz receptionist said Franz want be back till he returns from vacation. No attending Physician to see his patients. For the Court to draw a conclusion of the Petitioner phrase the court Would've had to know that Dr. Franz had cause the injury If the court interpreted No. 5 to be as Malpractice this would Be wrong because J.H. answers to my question was no interns Involved in Mr. Cannady care on March 5 2001. The answers Was in the file. Jackson Hospital answers was right there was No interns in Mr. Cannady care. The pretended interns was a Office employee practicing medicine with a IV needle. The Respondents never denied that they dump me & didn't provide medical care at the Emergency room & the Dr.s Office Ch. F.S. 766.103 (2) didn't require a Notice before filling action. Florida Statute 768.13 (2) (b)1 refers you to 42 U.S.C. s. 1395dd

395.1041. See Summer v. Baptist Med. Ctr. Arkadelphia, 91 F. 3d 1132, 11-37 – 38 (CA8 1996). The Petitioner would like to examine the liability of the injury that the employee did with the IV needle for liability against Dr. Franz for the employee action, Did Dr. Franz know the employee was in the Hospital practicing medicine with a IV needle. I think not, Dr. Franz wouldn't let a employee practice medicine on a patient of his. The Petitioner would like for Dr. Franz to tell the Court that he knew thaf the employee endangered the life of a patient of his. If Dr. Franz knew the employee was practicing medicine on his patient then this would be a Medical Malpractice case. By not getting treatment at E.R. & Dr. Office, this will cause a slow and painful death to the Petitioner. Petitioner has been told that if he would let the Dr. cut his Right hand off, it would prevent death of the Petitioner. The Petitioner rather be dead than to lose his right hand. The Respondent hasn't rebutted any facts that the Petitioner has interpreted of Florida Statute 766.103 (2) That would show F.S.766.103 (2) wouldn't Govern this case to be a medical malpractice case. The Petitioner is asking this court to address the issues for the future of this case. At my death my family would need to know how to filed charges against the Respondents. Murder has no time limit on prosecuting this Respondents. The Petitioner alleged all immunity was waived for not getting treatment at E.R. and the

Dr. off. See In Crumpton v. Stone, 59 F.3d 1400, 1403 (D.C. Cir. 1995) If due care was exercised, the sovereign immunity hasn't been waived. The facts, of Law of this case, supports the waiving immunity for J. H. & Dr. Franz didn't exercising those rights on 3, 20 / 01, at E. R., and the Dr.s Office 3 / 26 / 01. The three prescription that Dr. Franz wrote was for the ulcers test. No prescription for The injury the employee did to my hand. The law of Fla. State if a Dr. assist a patient in need he can recovery any Damages that the Hosp has imposed on him. If Dr. Franz had gave me treatment or referred me to a hand specialist instead of waiting for the injury to going away. I went to his office three time to get treatment but never did. Angela P. Franz P.A. referred me to a friend of theirs on April 24 / 2001 to stall for time for the injury to go away. When the Petitioner finally seen Dr. Kisunger after cancelled the first appointment Dr. Kisunger said I don't do hand I'm a heart Doctor. Dr. Franz should've sent me back to the Hosp. to be monitor for the blood clot. The Hosp. and Dr. Franz fail all of the requirements of this Case being a medical malpractice case. The Petitioner would state if there was any issue that Dr. Franz contracted with the employee then this case could be a medical malpractice. To the Petitioner finding of fact of this case there no issue that ties Dr. Franz to the office employee of Jackson Hospital.

Where the Liability isn't tied to Dr. for his initial duties to his patients then there no Malpractice case to the Dr.. .The liability that is impose on Dr. by a Hospital isn't the initial liability. A Dr can recover damages for Liability that is imposed on him that wasn't his initial duties to his patient. The Petitioner would state that J. H. broke the initial duties in the care of Dr Franz patient by letting a office employee in the Hosp. where medicine was practiced. When the R.N. came and inserted the IV needle in the left hand, the Dr. was able to do his initial duties to his patient. The Respondents has not shown that Dr. Franz broke his primary care to his patient. J.H. imposed (meaning forced) duties to accept.

ARGUMENT OF FACT

The Petitioner could argue that this case was dismissed Before the ninety days had expired to file a notice of intent if by some chance the Petitioner had over looked some issue that this case could have been a medical Malpractice case. The Petitioner would argue that the time hasn't expired to file A notice while this case was being appeal. The Petitioner is asking the United States Supreme Court to review this case & Reinstate my case or refer this case back to the Fla. Supreme Court to address the Issues of this case.

CONCLUSION

The feint made by Judge Wright about the necessary notice showed he had a interest in this case And the Judge should've removed himself from this case. Judge removed himself in a another case alleging his wife worked at Jackson Hospital as a volunteer, pink lady. The Petitioner showed the Judge had a interest in the outcome of this case. The Judge wouldn't want his wife to be criticize about his decision to let a Cannady case go forward especially the Petitioner's ancestor had came from slavery and had cause a Black man to be lynch by the good lawless Citizens of Jackson County. The oak tree is still stand -ing to remind them of their lawless revenges. The Judge even denied the Cannady rights to there grandson after four years of fighting for him to be with his siblings. The March 26, 20 01 duties wasn't the Dr initial duties, this was impose by Jackson Hosp. Dr. Franz didn't except these duties causing Liability to be put on him. (As a dump case).

For the reasons set forth in this petition for rehearing , the Petitioner, Mr. Cannady, respectfully requests the petition For Rehearing the writ of *certiorari* be granted.

Respectfully submitted,
GEORGE W. CANNADY
4785 HWY 71 N.
Greenwood FL. 32443
(850) 594-7741

Counsel of Record
HEDI J. LIVINGSTON
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Winter Park FL. 32790-1090
Telephone (407) 628-4848

Dated February 16 2007

Pro-se for Petitioner
George W. Cannady

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

William K. Suter
Clerk of the Court
(202) 479-3011

January 8, 2007

Mr. George W. Cannady
4785 Highway 71 North
Greenwood, Fl. 32443

Re: George W. Cannady
v. Karl Sinclair Franz, et al
No. 06-640

Dear Mr. Cannady:

The Court today entered the following order in the Above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely

S. William K. Suter

William K. Suter, Clerk

Supreme Court of the United States

Office of the Clerk

Washington, DC 20543-0001

William K. Suter
Clerk of the Court
(202) 479-3011

January 24,2007

Mr. George W. Cannady
4785 Highway 71 North
Greenwood FL. 32443

Re: George W. Cannady
v. Karl Sinclair Franz, et al.
Application No. 06A727

Dear Mr. Cannady:

The application for an extension of time within which to file a petition for rehearing in the above-entitled case has been presented to Justice Thomas, who on January 24, 2007 extended the time to and including March 4,2007.

This letter has been sent to those designated on the attached notification list.

Sincerely,

William K. Suter, Clerk

By *S. Melissa Blalock*

Melissa Blalock

Case Analyst

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

William K. Suter
Clerk of the Court
(202) 479 -3011

NOTIFICATION LIST

Mr. George W. Cannady
4785 Highway 71 North
Greenwood, FL. 32443

Mrs, Heidi J. Livingston
P.O. Box 1090
Winter Park. FL. 32790

Clerk
Supreme Court of Florida
Supreme Court Building
Tallahassee, FL. 32399-1927

BEST AVAILABLE COPY

Quote of page and line of transcript of
hearing May 20.2003 page 6 page 7 page 11

line	page 6
6	The Court: Let me sure make I;ve got you
7	straight. Essentially, your client and you have no
8	evidence that you ever received the necessary notice of
9	intent.
11	The Court: And there;s nothing in the file to
12	indicate that he sent it, and it got sent to the wrong
13	place or anything else? There's just nothing there.

3 a 1

line	page 7
3	MR. Cannady: My response is due to the
4	unreasonable failure of both defendants, in other words, I
5	went there to get treatment, and I've been told by a
6	professional doctor that the artery blockage in my hand
7	could nave been prevented just by giving me a blood
8	thinner, Your Honor. We wouldn't be here today if Jackson

3 a 1

line Continued from page 7

Hospital or Dr. Franz had gave me a blood thinner instead
of telling me,"Hey' go back to Dr. Franz."
MR. Cannady: Well, like I said the Florida statute that he's talking about 766.106 (3)(a)(4) says any
reasonable failure of the defendants or me, in other words,
would qualify dismissal of the defense. In other words,
would qualify dismissal of the defense. In other they're using this statute for defense. In other words,
they don't cooperate with me. In other word, why should
cooperate with them? In other word, I went to the
hospital and asked for treatment, Your Honor, and I should

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4 a

line Continued page 11

MR. Cannady: Well my complaint actually don't
stipulate malpractice, in other words.
The Court: I understand.
word, the statute says unreasonable failure of either
side, in other word, Your Honor.

Certification of proof of service

I George W. Cannady Under Penalty of Perjury do swear that on this date February 16, 2007 as required by Supreme Court Rule 29. 3 as required by Rule 33.1 I have served three copies of the Petition for A Rehearing Writ Of Certiorari on each party to the Preceding. In an envelope containing the above documents in the United States Certified mail with return receipt to the Att. for Respondants. The name and add -resses of those served are as follows. Law Offices George, Hartz, Lundeen, Fulmer, Johnstone, King & Stevens & Britt Thomas for Franz P.O. Box 14500 Tallahassee Florida 32317-4500 And Heidii J. Livingston Law Office Hill, Adams, Hall, & Schieffelin P.A. For Jackson Hosp. P.O. Box 1090 Winter Park, Fla. .32790-1090. and ~~Three~~ Five Copy to the Clerk Supreme Court of Fla. Supreme Court Builing Tallahassee, FL. 32399 -1927. I sent the document requirement in Rule 33.(f) To the Office of the Clerk Supreme Court of the United States 1 First St. N.E. Washington D.C. 20543.

George W. Cannady

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